IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

Crl.Rev.Pet.No. 1955 of 2007()

CRA.657/2006 OF ADDL. DISTRCT & SESSIONS COURT FAST TRACK (ADHOC-II) KOZHIKODE
ST.3202/2001 of JUDL. MAGISTRATE OF FIRST CLASS-V, KOZHIKODE

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REVN. PETITIONER: APPELLANT/ACCUSED

KALLIDUMBAN LATHEEF,
THOTTUVAKKATHU HOUSE,
P.O.ARIYALLUR, MALAPPURAM DISTRICT.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

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1. MOHAMMED BASHEER, S/O IMBICHIKOYA,
BADERI HOUSE, KASHAYAPADI,P.O.FEROKE.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1955 of 2007

Dated this the 24th day of May, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to imprisonment till the rising of the court and to pay a compensation of Rs.40,000/- to the complainant vide Section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for one month.

2. I find that the revision petitioner/accused has not adduced any evidence to rebut the statutory presumptions. PW1, the complainant has testified as to the execution of the cheque and as to the existing liability. He has also proved the documents produced in the matter. In the circumstances, I find no reason to interfere in the findings of the court below. The same are confirmed.

3. All the same, considering the plea of the counsel for the revision petitioner, revision petitioner is granted four

months' time from today onwards to pay the amount of compensation. He shall appear before the Judicial First Class Magistrate Court-V, Kozhikode on 26.9.2007 to receive the sentence. Non bailable warrant, pending, if any shall be kept in abeyance till 26.9.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl